

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Missoula Public Library) File No. SLD-58189
Missoula, Montana)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
Changes to the Board of Directors of the) CC Docket No. 97-21
National Exchange Carrier Association, Inc.)

ORDER

Adopted: June 8, 2001

Released: June 11, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Missoula Public Library (Missoula), Missoula, Montana. In its Request for Review, Missoula seeks review of a Commitment Adjustment Letter issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) dated January 5, 2001. On January 30, 2001, Missoula also filed a Request for Review of the Commitment Adjustment Letter with the Administrator. For the reasons set forth below, we dismiss Missoula's Request for Review to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator. In this case, because Missoula

1 See Letter from Bette Ammon, Missoula Public Library, to Federal Communications Commission, filed January 31, 2001.

2 See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bette Ammon, Missoula Public Library, dated January 5, 2001 (Commitment Adjustment Letter).

3 See Letter from Letter from Bette Ammon, Missoula Public Library, to Schools and Libraries Division, Universal Service Administrative Company, filed January 30, 2001.

4 See 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

has a request pending before the Administrator, we dismiss Missoula's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on Missoula's request, Missoula may then appeal to the Commission if it believes such appeal is warranted at that time.⁵

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on January 31, 2001 by Missoula Public Library, Missoula, Montana, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁵ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rights of review, filing deadlines, standards of review, and other rules pertaining to Commission review of the Administrator's decisions).